

WEINER | LESNIAK LLP

ATTORNEYS AT LAW

ADAM KENNY
Member of the Firm

www.weinerlesniak.com akenny@weinerlesniak.com

March 2, 2015

Via ECF

Hon. Mark Falk, U.S.M.J.
United States District Court
District of New Jersey
USPO & Courthouse
1 Federal Square – Room 457
Newark, New Jersey 07101

Re: Tyrone K. Stephens v. City of Englewood
Civil Action No.: 2:14-005362-WJM-MF
Claim No: X77325
DOL: November 8, 2012
Our File No: 87890

Dear Magistrate Falk:

This firm represents the defendant, City of Englewood, and my colleague, Marc Mory, of Dvorak and Associates represents the several Englewood police officers who are named as defendants (hereinafter collectively “the Englewood defendants”) in this matter. This letter is offered on behalf of the Englewood defendants and in furtherance of a request that all counsel and the self-represented litigants, at least Marc Stephens (Tyrone Stephens is presently incarcerated at the Bergen County Jail), be permitted to appear before Your Honor for a Conference addressing several issues, including (a) the status of the Plaintiffs’ Motion for Leave to File an Amended Complaint; and (b) the need for additional time to complete pre-trial discovery, which is directed to end on March 21, 2015 pursuant to Your Honor’s Scheduling Order of November 21, 2014.

Plaintiff pro se Marc Stephens provided all counsel with a copy of the February 16, 2015 letter to Your Honor that accompanied the Plaintiffs’ Notice of Motion for Leave to File an Amended Complaint, which motion proposed to add two new defendants to this action and to add Marc Stephens as a plaintiff in a number of the counts in the Complaint on which Tyrone Stephens is presently the only-listed plaintiff. The plaintiffs’ motion papers did not include a proposed return date. I reviewed ECF this morning, prior to writing this letter, and ECF has no record of the motion having been docketed. Thus, as of this writing, I am uncertain as to the status of the plaintiffs’ motion.

Mr. Mory has served deposition notices for both of the plaintiffs. Tyrone Stephens is scheduled to be deposed on March 12, 2015 at the Bergen County Jail. Marc Stephens is scheduled to appear at Mr. Mory’s office in New Brunswick on Friday, March 13, 2015. This morning, Marc Stephens sent an e-mail to Mr. Mory – on which he graciously copied all counsel – regarding his deposition. I have attached a copy of the e-mail for Your Honor’s convenience.

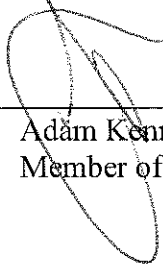
896079-1

To my knowledge, as of this date the plaintiffs have not issued any deposition notices for any defendants. At the very least, no deposition notices have been received in this office for any City of Englewood representative's deposition. I have not been served with any on behalf of the City of Englewood.

Respectfully, this matter would benefit greatly from a Conference with Your Honor. The parties need additional time to complete pre-trial discovery. The case itself is only seven months old with the Complaint having been filed on August 26, 2014 and the first Answer, which Mr. Mory filed on his clients' behalf, only having been filed on October 10, 2014.

Thank you for your time and attention. We look forward to hearing from Your Honor regarding this correspondence and the issues raised therein at the court's earliest convenience. In accordance with Your Honor's judicial preference a courtesy copy of this letter is being sent to Your Honor by way of regular mail.

Respectfully submitted,
WEINER LESNIAK, LLP

By: 
Adam Kenny
Member of the Firm

Enclosure/Attachment

cc: Marc Stephens, Plaintiff Pro Se

Marc Mory, Esq.

Marc Pakrul, Esq.

Tyrone Stephens, Plaintiff Pro Se (via regular mail & certified mail)

87890 ltr to Magistrate Falk 03-02-15 re request for conference and DED.ak

Adam Kenny

From: Marc Stephens <marcstephens3@gmail.com>
Sent: Monday, March 02, 2015 9:15 AM
To: Lakesha Washington
Cc: Adam Kenny; mpakrul@tompkinsmcguire.com; Marc D. Mory
Subject: Re: Stephens v. City of Englewood

Mr. Mory,

I'm in receipt of your notice for oral deposition. I would like to know the following:

1. Will all defendants be present for questioning?
2. What is the scope of your questioning for plaintiffs?
3. How much time is needed?

I don't want to waste anyones time and travel to your office just to object to your questioning because you already have the facts in audio, court transcripts, etc. (a) Plaintiff Tyrone Stephens has provided a sworn statement with the EPD. (b) All victims provided sworn statements with the EPD. (c) State witness Natalia Cortes provided a sworn statement and testified in court. (d) All co-defendants provided sworn statements. (e) Justin Evans provided a sworn statement and testimony in court. (f) Defense witness Tyrone Roy testified in court. You also have all probable cause hearings, and grand jury hearings.

In short, we sued because the officers framed Tyrone Stephens. McDonald lied in the police report and in court regarding victims and witness identification, which is supported by the evidence. It was proven in court that Tyrone was not present or involved. So it appears the deposition is being used to annoy, harass, or searching for facts that were already provided to you. In addition, Tyrone Stephens has been incarcerated for over 11 months and have not been able to review the case effectively, which is why I speak on his behalf. Please advise. Thank you.

Regards,
Marc Stephens
Plaintiff, pro se
Attorney in fact for Tyrone Stephens

On Fri, Feb 27, 2015 at 3:31 PM, Lakesha Washington <lwashington@dvorakandassociates.com> wrote:

Good afternoon,

Please see the attached letter.

Lakesha Washington

Legal Assistant to Marc D. Mory, Esq.

Dvorak & Associates, LLC

390 George Street, 8th Floor

New Brunswick, NJ 08901

Phone: (732) 317-0130 Fax: (732) 317-0140

lwashington@dvorakandassociates.com